



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 JUL 12 PM 1:03

July 12, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

FROM: Lisa J. Stevenson
Deputy General Counsel - Law

LJS by mjt

Lorenzo Holloway
Assistant General Counsel
Compliance Advice

LH by mjt

Margaret J. Forman
Attorney

mjt

SUBJECT: Request for Consideration of a Legal Question – Kathy Hochul for Congress
(LRA 849)

I. INTRODUCTION

On June 13, 2013, the Commission received a Request for Consideration of a Legal Question ("Request") from counsel on behalf of Kathy Hochul for Congress ("the Committee") (C00494013), the principal campaign committee of Kathy Hochul.¹ Attachment 1.

The Request addresses a determination by the Reports Analysis Division (RAD), based on informal guidance provided by the Office of General Counsel (OGC), that the primary election date for the 2011 Special Primary Election in New York's 26th Congressional District ("2011 Special Election") was March 19, 2011. The effective primary date is relevant because if it falls prior to March 21, 2011, the date the Committee asserts is correct, the Committee may have accepted impermissible contributions. Based on OGC's review of the record, the New York State Democratic Party ("Party") nominated Kathy Hochul as its candidate for the special general election on March 19, 2011, as confirmed by the Party's Certificate of Nomination filed with the New York State Board of Election, the candidate's notarized Certificate of Nomination, and the Party's Certificate of Authorization. OGC, therefore, concluded that March 19, 2011, was the effective primary election date for the 2011 Special Election.

¹ At least two Commissioners agreed to consider this Request pursuant to the Policy Statement Regarding a Program for Requesting Consideration of Legal Questions by the Commission, 76 Fed. Reg. 45798-45799 (Aug. 1 2011).

13031134316